

Tho: Jones } Mathew Nelson late of Calvert County was at- Liber M M
 ag^t } tached to answere unto Thomas Jones one of the
 Mathew Nelson } Attorneys of this Co^{rt} according to the libertyes
 and privileges allowed &c in a plea of Trespas on
 the case.

And the said Thomas Jones in his pp pson saith that he the said Jones upon the earnest importunity of the said Mathew Nelson on p. 98 the one and Twentieth day of Aprill in Annamessex River in Somerset County & in y^e 39th yeare of the Dominion of Caecilius &c Annoq̃ Domini 1671 did Deliver to the said Mathew Nelson one white Gelding or horse with saddle and bridle to be necessarily used and Kept by him y^e sd Nelson in good Condicion without p^rjudice In consideracon whereof the said Nelson upon himself did assume and to the said Jones did faithfully pmise that he the said Nelson necessarily using the said horse would finde and allow the said horse sufficient foode, and at the first and next arrivall of the said Jones into this Province from England he the said Nelson would Retorne the said horse in good Condicion with bridle & saddle to him the said Jones or his ord^r and the said Jones arriving into this Province from England in Som^rset County aforesayd on the 25th day of March last past and making Demaund of y^e said horse with bridle & saddle according to the agreem^t betwixt him the said Jones & the said Nelson. The said Nelson his promise and assumption little Regarding but fraudulently intending to Deceive him the said Jones of the said horse with bridle and saddle aforesayd though often thereunto Required did not Deliver the said horse with bridle & saddle to the said Jones his ord^r according to his pmise and assumption aforesayd and as yet doth refuse to Deliver the said horse with bridle and saddle as aforesayd whereupon the said Jones saith he is Damnified and hath losse to the vallue of five Thowsand pounds of Tobacco and thereupon he brings his suite.

And the said Mathew by John Rousby his Attorney cometh and Defendeth the wrong and injury aforesayd when &c and saith that he did not promise and assume upon himself in manner and forme as the said Thomas hath above Declared against him and of this he puts himself upon the Country and the said Thomas Jones likewise.

And now here at this day to say the Twelveth day of November in the 42th yeare of the Dominion of Caecilius &c Annoq̃ Domini 1673. the said Thomas Jones being called to psecute his plainte ag^t the said Mathew Nelson appeared not wherefore it is considered by the Court here that a nonsuite be awarded ag^t the said Thomas Jones and that the said Mathew Nelson Recover ag^t the said Thomas Jones the Sum^e of six hundred Sixty & six pounds of Tobacco for his costs and Charges in this behalfe Expended and the said Thomas in mercy &c.